

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
Charlottesville Division**

DAMIAN HORSLEY,

Plaintiff,

v.

Civil Action No.: 3:22-cv-04

SHEETZ, INC. and

Defendants.

**NOTICE OF REMOVAL**

The Defendant, Sheetz, Inc., files this Notice of Removal pursuant to 28 U.S.C. §§ 1332, 1441 and 1446, on the following grounds:

1. This civil action was commenced by the filing of a Complaint on or about December 31, 2021, and is currently pending in the Circuit Court for the County of Greene, Virginia. Copies of all process, pleadings, papers and orders which have been received by Sheetz, Inc. are attached to this Notice as **Exhibit A**.

2. A copy of the Complaint was provided to Sheetz, Inc. by Plaintiff's counsel on or about January 13, 2022. This was Sheetz, Inc.'s first notice that a Complaint had been filed and was pending against it. Sheetz, Inc. was served with the Complaint on January 18, 2022.

3. No further proceedings have been had in this action.

4. The Plaintiff's Complaint contains an *ad damnum* seeking judgement against Sheetz, Inc. in the amount of One Million (\$1,000,000.00) dollars. **Exhibit A**.

5. Plaintiff is and was at the time this action was filed a citizen and resident of the State of Virginia.

6. Sheetz, Inc. is, and was at the time this action was filed, a Pennsylvania Corporation, with its principal place of business in the state of Pennsylvania.

7. Sheetz, Inc. is not now, or at the time this action was filed, a citizen of the State of Virginia.

8. This action involves a controversy wholly between citizens of different states. There is complete diversity of citizenship as to Plaintiff and Sheetz, Inc.

9. This Court has original jurisdiction in this action pursuant to 28 U.S.C. § 1332(a), and the action may therefore be removed to this Court pursuant to 28 U.S.C. § 1441(a).

10. Sheetz, Inc. desires to remove this action to this Court.

11. Pursuant to 28 U.S.C. § 1446(b), this Notice of Removal is filed within thirty (30) days after receipt by Sheetz, Inc. of Plaintiff Complaint through service or otherwise.

WHEREFORE, Sheetz, Inc., by counsel, respectfully requests that the above-entitled action be removed from the Circuit Court for the County of Greene, Virginia, to this Court.

Respectfully submitted,

Sheetz, Inc.

By: /s/ J. Matthew Haynes, Jr., Esquire  
J. Matthew Haynes, Jr. (VSB No.: 51007)  
Brennan C. Morrisett (VSB No.: 86333)  
McCandlish Holton, P.C.  
1111 East Main Street, Suite 2100  
P.O. Box 796  
Richmond, Virginia 23218  
(804) 775-3100 Telephone  
(804) 775-3800 Facsimile  
mhaynes@lawmh.com  
bmorrisett@lawmh.com  
*Counsel for Sheetz, Inc.*

**CERTIFICATE OF SERVICE**

I hereby certify that on the 28th day of January, 2022, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will then send notification of such filing (NEF) to the following:

John Robert Kelly (VSB No. 85967)  
4020 University Drive, Suite 501  
Fairfax, Virginia 22030  
(703) 385-1701 Telephone  
(703) 385-1120 Facsimile  
jkelly@kasmerlaw.com  
*Counsel for Plaintiff*

And mailed this 28th day of January, 2022 to the following:

Greene County Circuit Court  
Hon. Susan E. Duckworth  
22 Court St  
P.O. Box 386  
Standardsville, VA 22973

By: /s/ J. Matthew Haynes, Jr., Esquire  
J. Matthew Haynes, Jr. (VSB No.: 51007)  
Brennan C. Morrisett (VSB No.: 86333)  
McCandlish Holton, P.C.  
1111 East Main Street, Suite 2100  
P.O. Box 796  
Richmond, Virginia 23218  
(804) 775-3100 – Telephone  
(804) 775-3800 – Facsimile  
mhaynes@lawmh.com  
bmorrisett@lawmh.com  
*Counsel for Sheetz, Inc.*